



#6/Elections

PATENT
Attorney Docket No. 401407/FUKAMI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3/ 103

John H

In re Application of:

KANAYA et al.

Application No. 09/972,955

Art Unit: 2811

Filed: October 10, 2001

Examiner: S. Jones

For: HIGH-FREQUENCY
SEMICONDUCTOR INTEGRATED
CIRCUIT CAPABLE OF SWITCHING
BETWEEN CHARACTERISTICS
THEROF

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated February 28, 2003, Applicants provisionally elect the alleged species I pertaining to Figures 1-4 and which are encompassed by claims 1-4.

As acknowledged by the Examiner, claim 1 is a generic claim. Thus, upon allowance of that claim, Applicants intend to rejoin to the prosecution other pending claims pursuant to 37 CFR 1.141.

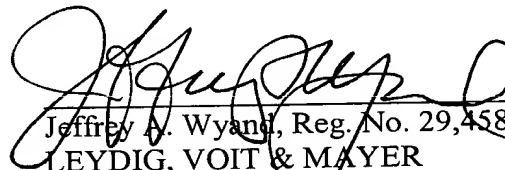
In view of the concession of the existence of a generic claim and the nature of the species election requirement, it is not necessary to make the election with or without traverse in order to preserve Applicants' rights, pursuant to 37 CFR 1.141, to rejoin claims to the prosecution. However, this concept is poorly understood within the examining corps. Therefore, if a designation has to be made as to whether the election is made with or without traverse, the election is made **with** traverse. The grounds of the traversal are that there is no undue burden on the Examiner in examining the claims since a generic claim, as conceded by the Examiner, will be examined.

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Prompt and favorable examination of claims 1-4 and the right to rejoin to the prosecution
the other pending claims are earnestly solicited.

Respectfully submitted,


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Date: March 20, 2003
JAW/tph